

**AMENDMENTS TO THE CLAIMS**

1.– 28. (Canceled).

29. (Original) Apparatus for securing a foundation form disposed on a moisture barrier membrane comprising:

an elongated stake; and

a sealing member disposed at a location along an axial length of said stake forming a seal around a periphery of said stake at said location and extending radially away from an axis defined along a length of said stake.

30. (Original) The apparatus according to claim 29 further comprising a sealant disposed on a surface of said sealing member nearest said tip.

31. (Original) The apparatus according to claim 29 wherein said sealing member is slidably mounted to said stake along an axial length thereof.

32. (Original) The apparatus according to claim 29 wherein said sealing member includes a flexible portion that forms said seal around said periphery of said stake.

33. (Original) The apparatus according to claim 29 wherein said sealing member includes at least one of an elastic or resilient portion that forms said seal around said periphery of said stake.

34. (Original) The apparatus according to claim 29 wherein said stake includes at least one bore extending through said stake in a direction transverse to said axis.

35. (Original) The apparatus according to claim 29 wherein said stake comprises at least one structure to permit a portion of said stake to be removed.

36. (Original) The apparatus according to claim 35 wherein said at least one structure defines a break point where said stake is designed to be break when struck forcefully in a direction transverse to said axis.

37. (Original) The apparatus according to claim 29 wherein said sealing member includes a ridge disposed on an outer rim thereof spaced apart from said periphery of said stake.
38. (Original) The apparatus according to claim 29 further comprising a channel formed between said periphery of said stake and an outer rim of said sealing member spaced apart from said periphery.
39. (Original) A disposable stake for a foundation form comprising:  
an elongated stake;  
at least one structure to permit a portion of a length of said stake to be removed.
40. (Original) The apparatus according to claim 39 wherein said at least one structure defines a break point where said stake is designed to be break when struck forcefully in a direction transverse to said axis.